

ASSEMBLY BILL

No. 1296

Introduced by Assembly Member Papan

February 23, 2001

An act to amend Sections 8421, 8422, 8423, 8423.5, and 8427 of, and to repeal Sections 8420, 8420.5, 8425, 8426, 8428, and 8429.7 of, the Fish and Game Code, relating to market squid, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1296, as introduced, Papan. Market squid.

(1) Existing law, until April 1, 2003, prohibits a person from using a vessel to take or land market squid with certain nets for commercial purposes unless the owner of the vessel has a commercial market squid vessel permit issued by the Department of Fish and Game. Existing law also, until April 1, 2003, prohibits a person from operating a vessel to attract squid by light unless the owner of the vessel has a commercial market squid vessel permit or a commercial squid light boat owner's permit. Existing law provides the conditions for issuing and renewing those permits, including the fees.

This bill would continue those requirements permanently by repealing their termination date. The bill would also increase the fees for the permits from \$400 to \$1,200, and change the requirements for renewal of the permits.

(2) Existing law also authorizes taking of market squid north of a line extending due west from Point Conception for commercial purposes only during the hours between noon on Sunday and noon on Friday of each week.

This bill would delete that restrictions.

(3) Existing law directs the Director of Fish and Game to develop research protocols and develop recommendations for the management of the squid fishery and authorizes establishment of the Squid Fishery Advisory Committee for related purposes. Existing law also prohibits transfer of commercial market squid vessel permits.

This bill would delete those provisions and would provide fees for transfers of the permit.

Because violations of the Fish and Game Code are crimes, this bill would impose a state-mandated local program by creating crimes after April 1, 2003.

(4) Other provisions of existing law require the revenue from the fees imposed by the bill to be deposited in the Fish and Game Preservation Fund. That fund is continuously appropriated by other provisions of law to the Department of Fish and Game to carry out the Fish and Game Code.

Because this bill would increase the money deposited to the fund and impose new duties on the department, the bill would make an appropriation.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8420 of the Fish and Game Code is
2 repealed.
3 ~~8420. The Legislature finds and declares that the fishery for~~
4 ~~market squid (*Loligo opalescens*) is the state's largest fishery by~~
5 ~~volume, generating millions of dollars of income to the state~~
6 ~~annually from domestic and foreign sales. In addition to~~
7 ~~supporting an important commercial fishery, the market squid~~
8 ~~resource is important to the recreational fishery and is forage for~~
9 ~~other fish taken for commercial and recreational purposes. The~~
10 ~~growing international market for squid and declining squid~~
11 ~~production from other parts of the world has resulted in an~~

~~increased demand for California market squid, which, in turn, has led to newer, larger, and more efficient vessels entering the fishery and increased processing capacity. The Legislature finds that the lack of research on market squid and the lack of annual at-sea surveys to determine the status of the resource, combined with the increased demand for, and fishing effort on, market squid could result in overfishing of the resource, damaging the resource, and financially harming those persons engaged in the taking, landing, processing, and sale of market squid. The Legislature further finds that many individuals, vessels, and processing plants engaged in the market squid fishery have no other viable alternative fisheries available to them and that a decline or a loss of the market squid resource would cause economic devastation to the individuals or corporations engaged in the market squid fishery. The Legislature declares that to prevent excessive fishing effort in the market squid fishery and to develop a plan for the sustainable harvest of market squid, it is necessary to limit the number of days of the week market squid may be taken and to develop a plan for a sustainable California market squid fishery.~~

SEC. 2. Section 8420.5 of the Fish and Game Code is repealed.

~~8420.5. North of a line extending due west magnetic from Point Conception, market squid may be taken for commercial purposes only between noon on Sunday and noon on Friday of each week.~~

SEC. 3. Section 8421 of the Fish and Game Code is amended to read:

8421. (a) ~~On or after April 1, 1998, no~~ No person shall use a vessel to take or land market squid with dip nets (commonly referred to as scoop nets), purse seine nets, or lampara nets for commercial purposes unless the owner of that vessel has been issued a commercial market squid vessel permit by the department that has not been suspended or revoked.

(b) A commercial market squid vessel permit shall be issued only for vessels employing dip, purse seine, or lampara nets for the taking of market squid for commercial purposes. No permit is required for any vessel taking or landing market squid for commercial purposes if the amount taken by the vessel does not exceed two tons landed in a calendar day or if the squid taken is used for live bait only. No other nets shall be used for the taking

1 of market squid from a vessel for commercial purposes.
2 Furthermore, it is unlawful to possess in excess of two tons of
3 incidentally taken squid per trip.

4 (c) A commercial market squid vessel permit shall be issued to
5 a person only if that person is the owner of record of the
6 commercial fishing vessel for which the permit is issued and the
7 vessel is registered with the department pursuant to Section 7881.

8 (d) A commercial market squid vessel permit shall be issued
9 only to the person who owns the vessel at the time of application
10 for that permit. For purposes of this subdivision, an owner includes
11 any person who has a lease-purchase agreement for the purchase
12 of a vessel.

13 ~~(e) No person who is issued a commercial market squid vessel~~
14 ~~permit shall sell, trade, or transfer the permit to another person.~~

15 ~~(f) A commercial market squid vessel permit shall be issued~~
16 ~~annually, commencing with the permit for the 1998-99 permit~~
17 ~~year.~~

18 ~~(g) —~~

19 (f) A violation of this section does not constitute a
20 misdemeanor; however, pursuant to Section 7857, the commission
21 may revoke or suspend the commercial market squid vessel permit
22 or commercial fishing license held by any person who violates this
23 section.

24 ~~(h) —~~

25 (g) Squid landed in excess of the limit specified in subdivision
26 (b) of Section 8421 without a permit shall be forfeited to the
27 department by the signing of an official release of property form.
28 The squid shall be sold or disposed of in a manner to be determined
29 by the department. The proceeds from all sales shall be paid into
30 the Fish and Game Preservation Fund.

31 SEC. 4. Section 8422 of the Fish and Game Code is amended
32 to read:

33 8422. (a) The fee for a commercial market squid vessel
34 permit shall be ~~four hundred dollars (\$400)~~ *one thousand two*
35 *hundred dollars (\$1,200)*.

36 (b) All applications for a commercial market squid vessel
37 permit for the 1998-99 permit year shall be received by the
38 department on or before April 30, 1998, or, if mailed, shall be
39 postmarked by April 30, 1998. In order to renew a permit, an
40 applicant shall have been issued a commercial market squid vessel

1 permit in the immediately preceding year, *and commencing April*
2 *30, 2002, shall have had at least one landing prior to April 30,*
3 *2001.* Applications for renewal of the permit shall be received by
4 the department on or before April 30 of each year, or, if mailed,
5 shall be postmarked by April 30 of each year.

6 (c) Notwithstanding Section 7852.2, a penalty of two hundred
7 fifty dollars (\$250) shall be paid in addition to the fee required
8 under subdivision (a) for applications that do not meet the deadline
9 specified in subdivision (b) but that are received by the department
10 on or before May 31 of any year.

11 (d) The department shall deny all applications received after
12 May 31 of each year, and the application shall be returned to the
13 applicant who may appeal the denial to the commission. If the
14 commission issues a permit following an appeal, it shall assess the
15 late penalty prescribed by subdivision (c).

16 SEC. 5. Section 8423 of the Fish and Game Code is amended
17 to read:

18 8423. (a) No person shall operate a squid light boat unless the
19 owner of the boat has been issued a commercial squid light boat
20 owner's permit by the department and a permit number is affixed
21 to the boat in the manner prescribed by the department.

22 (b) The department shall issue a commercial squid light boat
23 owner's permit to a person who submits an application, pays the
24 permit fee, and meets the other requirements of this section.

25 (c) The department may regulate the use of squid light boats
26 consistent with the regulations established for commercial squid
27 vessels.

28 (d) The fee for a commercial squid light boat owner's permit
29 shall be ~~four hundred dollars (\$400)~~ *one thousand two hundred*
30 *dollars (\$1,200).*

31 (e) It is unlawful for a person to engage in the following
32 activities, unless the vessel used for the activity has been issued a
33 commercial market squid vessel permit or the person holds a
34 commercial squid light boat owner's permit:

35 (1) Attracting squid by light displayed from a vessel, except
36 from a vessel deploying nets for the take, possession, and landing
37 of squid or except from the seine skiff of the vessel deploying nets
38 for the take, possession, and landing of squid.

(2) Attracting squid by light displayed from a vessel whose primary purpose is other than the deployment, or assistance in the deployment, of nets for the take, possession, and landing of squid.

(f) A commercial squid light boat owner's permit shall be issued to a person who is the owner of record of a vessel that is registered with the department pursuant to Section 7881. For purposes of this subdivision, an owner includes any person who has a lease-purchase agreement for the purchase of a vessel.

SEC. 6. Section 8423.5 of the Fish and Game Code is amended to read:

8423.5. (a) All applications for a commercial squid light boat owner's permit for the 1998 permit year shall be received by the department on or before April 30, 1998, or, if mailed, shall be postmarked by April 30, 1998. In order to renew a permit, an applicant shall have been issued a commercial squid light boat owner's permit in the immediately preceding year. *However, effective April 30, 2002, a person who held a valid market squid vessel permit on April 30, 2001, but who can not qualify for renewal because the vessel did not have one or more squid landings, may qualify for and be issued a commercial squid light boat owner's permit if all other permitting conditions are satisfied.* Applications for renewal of the permit shall be received by the department on or before April 30 of each year, or, if mailed, shall be postmarked by April 30 of each year.

(b) Notwithstanding Section 7852.2, a penalty of two hundred fifty dollars (\$250) shall be paid in addition to the fee required under subdivision (a) for applications that do not meet the deadline specified in subdivision (b) but that are received by the department on or before May 31 of any year.

(c) The department shall deny all applications received after May 31 of each year, and the application shall be returned to the applicant who may appeal the denial to the commission. If the commission issues a license following an appeal, it shall assess the late penalty prescribed by subdivision (b).

SEC. 7. Section 8425 of the Fish and Game Code is repealed.

~~8425. On or after April 1, 1998, and annually thereafter, the commission, upon the recommendation of the director, after a public hearing at which findings are adopted, shall adopt regulations to protect the squid resource and manage the squid fishery at a sustainable level, taking into account the level of~~

1 fishing effort and ecological factors, including but not limited to,
2 the species' role in the marine ecosystem and oceanic conditions.

3 SEC. 8. Section 8426 of the Fish and Game Code is repealed.

4 ~~8426. (a) The director shall be responsible for the~~
5 ~~development of research protocols and the development of~~
6 ~~recommendations for the management of the squid fishery as set~~
7 ~~forth in subdivision (c) and for the conduct of public hearings to~~
8 ~~receive information on the resource and the fishery. The director~~
9 ~~may establish a Squid Research Scientific Committee consisting~~
10 ~~of persons with scientific knowledge or expertise on the squid~~
11 ~~resource or fishery, who may be employed by academic~~
12 ~~institutions, public or private research institutions, or the private~~
13 ~~sector. The committee, if established, shall assist in the~~
14 ~~development of research protocols and the preparation and review~~
15 ~~of the market squid conservation and management plan as~~
16 ~~described in subdivision (c). The department shall pay, from~~
17 ~~revenues derived pursuant to this article, the necessary costs of the~~
18 ~~committee, including a per diem to all members, as determined by~~
19 ~~the department.~~

20 ~~(b) The director may establish a Squid Fishery Advisory~~
21 ~~Committee consisting of members representing licensed squid~~
22 ~~fishermen, squid processors, the recreational fishing industry,~~
23 ~~squid light boat owners, marine conservation organizations, and~~
24 ~~the Sea Grant Marine Advisory Program.~~

25 ~~(c) The director shall hold public hearings to take testimony on~~
26 ~~interim measures, squid research needs, and the development of~~
27 ~~the management recommendations to be included in the report to~~
28 ~~the Legislature. Notwithstanding Section 7550.5 of the~~
29 ~~Government Code, on or before April 1, 2001, in consultation with~~
30 ~~the Squid Fishery Advisory Committee, if established, and~~
31 ~~following public hearings, the director shall submit to the~~
32 ~~Legislature a report on the status of the market squid fishery with~~
33 ~~recommendations for a market squid conservation and~~
34 ~~management plan, including, but not limited to, the following~~
35 ~~information:~~

36 ~~(1) Whether a limited access plan to manage the amount of~~
37 ~~fishing effort in the market squid fishery is necessary and, if so,~~
38 ~~what criteria should be used to determine who may participate in~~
39 ~~the fishery, what the optimum number of vessels should be in the~~
40 ~~fishery, and the overall fleet capacity.~~

~~(2) Whether it is necessary or advisable to reduce the number of days of the week that market squid may be taken for commercial purposes in specified areas of the state to protect the squid resource.~~

~~(3) Whether there are areas, if any, that should be declared harvest replenishment areas for squid where the taking of squid would not be permitted.~~

~~(4) A research and monitoring program of the market squid resource as may be needed to assist in the management of the market squid fishery to assure sustainable harvests on an annual basis and funding for that program.~~

~~(5) The regulation of squid light boats.~~

~~(6) Coordination that may be necessary with a federal coastal pelagic species management plan, should one be adopted.~~

~~(7) Whether it is necessary or advisable to modify the method of take or the use of fishing gear.~~

SEC. 9. Section 8427 of the Fish and Game Code is amended to read:

8427. (a) A commercial market squid vessel permit issued pursuant to Section 8422 or a commercial squid light boat owner's permit issued pursuant to Section 8423 may be transferred to another vessel owned by *either* the permitholder *or another*, ~~if the vessel is of comparable capacity as determined by United States Coast Guard documentation papers, and only if the permitted vessel was lost, stolen, destroyed, or suffered a major mechanical breakdown.~~

~~(b) The department shall not issue a permit for a replacement vessel if the permitted vessel was reported as lost, stolen, destroyed, or damaged for fraudulent purposes.~~

~~(c) Only the permitholder at the time of the loss, theft, destruction, or mechanical breakdown of the vessel may apply for the transfer of the vessel permit. Proof that a vessel is lost, stolen, or destroyed shall be in the form of a copy of the report filed with the United States Coast Guard or any other law enforcement agency or fire department investigating the loss.~~

~~(d)~~

~~(b) The vessel owner shall submit an application for the transfer to the department on a form provided by the department and shall pay a nonrefundable transfer fee of two hundred fifty dollars (\$250) for each transfer of a market squid vessel permit or~~

1 a commercial squid light boat owner's permit. *If the permit is*
 2 *transferred to another vessel owned by the permitholder, the*
 3 *nonrefundable transfer fee shall be two hundred fifty dollars*
 4 *(\$250). If the permit fee is transferred to a new owner, the*
 5 *nonrefundable transfer fee shall be five thousand dollars (\$5,000).*

6 ~~(e)~~

7 (c) The permit for the permitted vessel shall be current, and the
 8 owner of the permitted vessel shall make assurances in the transfer
 9 application that any renewal of the permit which becomes due
 10 during the application processing period will be made.

11 ~~(f)~~

12 (d) The owner of the permitted vessel shall submit evidence
 13 with the transfer application sufficient to establish that he or she
 14 is the owner of the permitted vessel ~~and the owner of the~~
 15 ~~replacement vessel~~ at the time of the application for transfer.

16 ~~(g)~~

17 (e) The vessel owner shall sign the transfer application under
 18 penalty of perjury and shall certify that the information included
 19 in the application is true to the best of his or her knowledge and
 20 belief.

21 SEC. 10. Section 8428 of the Fish and Game Code is repealed.

22 ~~8428. An amount not to exceed the sum collected annually~~
 23 ~~from permit fees paid pursuant to Sections 8422 and 8423 may be~~
 24 ~~used for the purposes of this article, including any research that~~
 25 ~~may be necessary for the development of recommendations to the~~
 26 ~~Legislature.~~

27 SEC. 11. Section 8429.7 of the Fish and Game Code is
 28 repealed.

29 ~~8429.7. This article shall become inoperative on April 1,~~
 30 ~~2003, and as of January 1, 2004, is repealed, unless a later enacted~~
 31 ~~statute that is enacted before January 1, 2004, deletes or extends~~
 32 ~~the dates on which it becomes inoperative and is repealed.~~

33 SEC. 12. No reimbursement is required by this act pursuant
 34 to Section 6 of Article XIII B of the California Constitution
 35 because the only costs that may be incurred by a local agency or
 36 school district will be incurred because this act creates a new crime
 37 or infraction, eliminates a crime or infraction, or changes the
 38 penalty for a crime or infraction, within the meaning of Section
 39 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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